

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Hilltop Drive/Longwood-Lake Mary Large Scale Land Use Amendment from Low Density Residential (LDR) to MDR Medium Density Residential) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) (Allan Goldberg, applicant)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tina Deater **EXT.** 7440

**Agenda Date** 05/10/05 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☒ **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

1. ADOPT an ordinance that includes the proposed map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR), on approximately 22.45 acres, and ADOPT an ordinance for the proposed rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, subject to the attached development order and Preliminary Master Plan, and authorize the Chairman to execute same (Allan Goldberg, applicant) <sup>(1)</sup>; or
2. DENY adoption of the Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) on approximately 22.45 acres, and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, and deny the attached Preliminary Master Plan (Allan Goldberg, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(1) For the record: A motion to adopt a plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of this large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle.

District 4 – Commissioner Henley

Tina Deater, Senior Planner

**BACKGROUND:**

The applicant, Allan Goldberg, proposes a Large Scale Land Use

**Reviewed by:** CR  
**Co Atty:**             
**DFS:**             
**OTHER:**             
**DCM:**             
**CM:**           

**File No.** ph130pdp08

Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from A-1 to PUD for a townhouse development on approximately 22.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive. The proposed development program consists of a townhouse subdivision with a maximum density of 10 dwelling units per net buildable acre. The proposed Land Use amendment is one acre larger than what is included in the rezone request. One of the property owners wishes to retain the A-1 zoning designation on one acre, with an option to rezone later under the MDR future land use category. Please see the attached zoning and FLU maps depicting the difference in acreages of this request.

**STAFF RECOMMENDATION:**

ADOPT an ordinance that includes the proposed map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR), on approximately 22.45 acres, and ADOPT an ordinance for the proposed rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, subject to the attached development order and Preliminary Master Plan, and authorize the Chairman to execute same.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on January 5, 2005 and voted 7 to 0 to recommend APPROVAL and TRANSMITTAL of the requested Large Scale Land Use Amendment from Low Density Residential to Medium Density Residential, rezone from A-1 to PUD, and approval of the attached Preliminary Master Plan subject to the conditions contained in the attached Development Order.

**BOARD OF COUNTY COMMISSIONERS ACTION:**

The Seminole County Board of Commissioners met on February 8, 2005, and voted 5 to 0 to TRANSMIT the requested Large Scale Land Use Amendment from Low Density Residential to Medium Density Residential to the Department of Community Affairs.

**ATTACHMENTS:**

**DEVELOPMENT ORDER  
ORDINANCES  
LETTERS FROM ADJACENT PROPERTY OWNERS  
EMAIL FROM SCHOOL BOARD  
P&Z MINUTES  
BCC MINUTES FROM 2/8/05  
ZONING AND FLU MAPS  
AERIAL MAPS**

# ***Hill Top Drive/Longwood-Lake Mary Road PUD Large Scale Land Use Amendment and Rezone Staff Report***

Low Density Residential (LDR) to Medium Density Residential (MDR)		Amendment (Z2004-057, 05S.FLU03)
REQUEST		
APPLICANT	Allan Goldberg, C & G Real Estate Group, Inc.	
PLAN AMENDMENT	Low Density Residential to Medium Density Residential on 22.45 acres	
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development) on 21.45 acres	
APPROXIMATE GROSS ACRES	22.45	
LOCATION	West side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive	
BCC DISTRICT	District 4 – Commissioner Henley	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	ADOPT an ordinance that includes the proposed map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR), on approximately 22.45 acres, and ADOPT an ordinance for the proposed rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, subject to the attached development order and Preliminary Master Plan, and authorize the Chairman to execute same	
INTERLOCAL NOTIFICATION	Interlocal notice for this item was not required per the Interlocal Planning Coordination Agreement of 1997, as none of the municipalities that are party to the agreement are affected.	

# SITE DESCRIPTION

## Existing Land Uses:

(North)

	<b>LDR</b> Single-family Residential <i>R-1</i>	<b>LDR</b> Single-family Residential <i>R-1, R-2</i>	<b>LDR and Office</b> Single-family Residential <i>R-1, R-2, OP</i>	
<b>(West)</b>	<b>LDR</b> Single-family Residential <i>A-1</i>	<b>LDR</b> <b>(SUBJECT PROPERTY)</b> Single-family, Commercial Nursery <i>A-1</i>	<b>Industrial</b> Warehouse, Light Industrial <i>M-1</i>	<b>(East)</b>
	<b>Industrial</b> Vacant <i>M-1</i>	<b>Industrial</b> Warehouse, Light Industrial <i>M-1, PCD</i>	<b>Industrial</b> Warehouse, Light Industrial <i>M-1, C-3, PCD, CN</i>	

(South)

\***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.



# COMPREHENSIVE PLAN CONSISTENCY

**1. PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

**Summary of Program Impacts:** The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

**A. Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element, Design Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element and adopted Design Element (Transportation Policy 2.1).*

Access to the subject property is via Longwood-Lake Mary Road, which is classified as a collector road with a Level of Service "B". The adopted Level of Service standard on this section of the road is "E". Before a final development order is approved, which leads to a construction permit, the project will be required to undergo concurrency testing to ensure adequate facility capacity.

The County is constructing a sidewalk along the west side of Longwood-Lake Mary Road between the Eagle Creek subdivision and C.R. 427. The design for this section of sidewalk will be completed in July 2005.

**B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The subject property is located within the Seminole County water and sewer service areas. Water and sewer services are available to the site. The proposed land use amendment would increase the estimated potable water demand for the subject property from 25,200 gpd to 45,600 gpd. This results in a net increased demand of 20,400 gpd.

**C. Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

The property is served by the Seminole County EMS/Fire Station #17. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**2. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policies 2.3 and 2.4).*

A preliminary review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. By virtue of this determination, the proposed Plan amendment would create no adverse impacts to public facilities.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains approximately 4.8 acres of wetlands and a portion of the site is located within the 100-year floodplain. A wetlands mitigation plan is required prior to final engineering approval for any proposed development on the subject property and the developer will be required to provide compensating storage for any impacts to the floodplain.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report is required prior to final engineering approval for any proposed development on the subject property.

**3. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Applicable Plan policies include, but are not limited to, the following:

**Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

The applicant is requesting a future land use amendment to Medium Density Residential (MDR). According to Exhibit FLU-Appropriate Transitional Land Uses of the Vision 2020 Comprehensive Plan, MDR can be an appropriate transitional land use with the Low Density Residential future land use to the north, east, and west, and the Industrial future land use to the south, if appropriate buffers, building heights, and architectural controls are in place. Staff believes that the proposed Medium Density Residential future land is compatible with the surrounding land uses, if it is subject to the conditions contained within the attached development order.

The applicant has submitted letters from the adjacent single-family homeowners to the north (Ms. Rita Manny and Ms. Cathy Akers) and south (Ms. Dorothea Clack) and east (Mr. Jeff Clack) of the proposed development, stating that they agree with the applicant's proposal to provide a 10' landscape buffer with a 6' masonry wall and 25' building setback adjacent to their properties. Therefore, staff is recommending as a condition of approval, that a 10' landscape buffer with a 6' masonry wall and a 25' building setback apply adjacent to those four properties and also adjacent to the Low Density Residential property to the east that is being used as a church. However, the west side of the proposed development is adjacent to property with Low Density Residential future land use also. Staff has not received any consent from this property owner, and therefore, staff is recommending to reduce the buffer requirements along the west property line adjacent to the property with

Low Density Residential future land use, a minimum 15' landscape buffer with a 6' masonry wall and 50' building setback apply. The building setback may be reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.

Other applicable plan policies include, but are not limited to:

*FLU 2.1 Subdivision Standards.*

*FLU 4.2 Infill Development*

*FLU 5.5: Water and Sewer Service Expansion*

*FLU 2.11 Determination of Compatibility in PUD and PCD Zoning Classifications*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the impacts of development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

**4. SCHOOL IMPACTS** –The School Board provided the following comment on this proposed development: Hill Top Drive-land use change from low density to medium density; minimal impacts; no comment. A copy of the email from Dianne Kramer is attached.

### **STAFF RECOMMENDATION:**

ADOPT an ordinance that includes the proposed map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR), on approximately 22.45 acres, and ADOPT an ordinance for the proposed rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, subject to the attached development order and Preliminary Master Plan, and authorize the Chairman to execute same, with the following conditions:

- a. The residential portion of the project shall be developed at a maximum density of 10 units per net buildable acre.
- b. All townhouse units shall be located on individual platted lots.
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land

Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.

- d. The maximum building height shall be 35 feet.
- e. The landscape buffer adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny, Ms. Cathy Akers, Ms. Dorothea Clack, and Mr. Jeff Clack, and the single-family homes along the north property line adjacent to Acorn Drive, shall be a minimum of 10 feet in width, with a 6-foot tall masonry wall.
- f. A 25' building setback shall apply adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny (PID #29-20-30-300-002B-0000), Ms. Cathy Akers (PID # 29-20-30-300-002F-0000), Ms. Dorothea Clack (PID #29-20-30-300-002C-0000), and Mr. Jeff Clack (PID # 29-20-30-300-002E-0000). If the ownership of these properties changes prior to the commencement of construction of the townhouse project, the developer shall have to provide the County a letter of consent for the 25' setback, 10' landscape buffer and 6-foot tall masonry wall from the new property owners.
- g. The landscape buffer adjacent to single-family homes along the north property line adjacent to Acorn Drive shall be a minimum of 10 feet in width, with a 6-foot tall masonry wall and a 25' building setback.
- h. A 20' building setback shall apply along the Hill Top Drive right-of-way.
- i. The landscape buffer adjacent to Hill Top Drive shall be a minimum of 10 feet in width, with a 6-foot tall masonry wall.
- j. The landscape buffer adjacent to the property to the west designated as Low Density Residential and the Low Density Residential property to the east that is being used as a church shall be a minimum 15', with a 6-foot tall masonry wall, except a wall shall not be required where adjacent to wetlands or floodplain.
- k. A minimum 50' building setback shall apply adjacent to the property to the west designated as Low Density Residential, except that building setback may be reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.
- l. The following minimum building setbacks shall apply to the individual townhouse units:
  - 1. Front: 20 foot setback from nearest edge of sidewalk
  - 2. Rear: 10 foot setback
  - 3. Side: 0 foot setback, except for 20' between blocks of units
  - 4. Side Street: 20 foot setback from nearest edge of sidewalk
- m. Accessory structures shall be prohibited on the individual townhouse lots.
- n. Permitted uses for the residential portion shall be single-family townhouse units, home offices, and home occupations.

- o. All landscape buffers and common areas shall be maintained by a homeowners association.
- p. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- q. Sidewalks shall be required on both sides of the internal streets, except that the Board of Commissioners may choose to allow sidewalks on only one side of the internal streets at the time of Final Master Plan approval.
- r. Front walls of townhouse units shall be staggered.
- s. Converting garages to living space shall be prohibited.
- t. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.
- u. Balconies shall be prohibited overlooking adjacent single-family homes which are not buffered by a 50' right of way or a 50' setback.
- v. Architectural renderings of the buildings shall be provided with the Final Master Plan.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on January 5, 2005 and voted 7 to 0 to recommend TRANSMITTAL and APPROVAL of the requested Large Scale Land Use Amendment from Low Density Residential to Medium Density Residential, rezone from A-1 to PUD, and approval of the attached Preliminary Master Plan subject to the conditions contained in the attached Development Order.

**BOARD OF COUNTY COMMISSIONERS ACTION:**

The Seminole County Board of Commissioners met on February 8, 2005, and voted 5 to 0 to TRANSMIT the requested Large Scale Land Use Amendment from Low Density Residential to Medium Density Residential to the Department of Community Affairs.

**SEMINOLE COUNTY DEVELOPMENT ORDER**

On My 10, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as **Exhibit A.**

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** Dorothea M. Clack  
1876 Longwood Lake Mary Road  
Longwood, FL 32752

Raymond T. and Sharon C. Huegel  
245 Hilltop Drive  
Longwood, FL 32750

**Project Name:** Hilltop Drive/Longwood Lake Mary Road Large Scale Land Use  
Amendment and Rezone to PUD

**Requested Development Approval:**

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development's approval, all of which have been accepted by and agreed to by the owner of the property are as follows;

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The residential portion of the project shall be developed at a maximum density of 10 units per net buildable acre.
- c. All townhouse units shall be located on individual platted lots.
- d. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- e. The maximum building height shall be 35 feet.
- f. A 25' building setback and 10' wide landscape buffer with a 6-foot tall masonry wall shall apply adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny (PID #29-20-30-300-002B-0000), Ms. Cathy Akers (PID # 29-20-30-300-002F-0000), Ms. Dorothea Clack (PID #29-20-30-300-002C-0000), and Mr. Jeff Clack (PID # 29-20-30-300-002E-0000). If the ownership of these properties changes prior to the commencement of construction of the townhouse project, the developer shall have to provide the County a letter of consent for the 25' setback, 10' wide landscape buffer and 6-foot tall masonry wall from the new property owners.
- g. The landscape buffer adjacent to single-family homes along the north property line adjacent to Acorn Drive shall be a minimum of 10 feet in width, with a 6-foot tall masonry wall and a 25' building setback.
- h. A 20' building setback shall apply along the Hill Top Drive right-of-way.
- i. The landscape buffer adjacent to Hill Top Drive shall be a minimum of 10 feet in width, with a 6-foot tall masonry wall.
- j. The landscape buffer adjacent to the property to the west designated as Low Density Residential and the Low Density Residential property to the east that is being used as a church shall be a minimum 15', with a 6-foot tall masonry wall, except a wall shall not be required where adjacent to wetlands or floodplain.
- k. A minimum 50' building setback shall apply adjacent to the property to the west designated as Low Density Residential, except that building setback may be



reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.

- l. The following minimum building setbacks shall apply to the individual townhouse units:
  1. Front: 20 foot setback from nearest edge of sidewalk
  2. Rear: 10 foot setback
  3. Side: 0 foot setback, except for 20' between blocks of units
  4. Side Street: 20 foot setback from nearest edge of sidewalk
- m. Accessory structures shall be prohibited on the individual townhouse lots.
- n. Permitted uses for the residential portion shall be single-family townhouse units, home offices, and home occupations.
- o. All landscape buffers and common areas shall be maintained by a homeowners association.
- p. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- q. Sidewalks shall be required on both sides of the internal streets, except that the Board of Commissioners may choose to allow sidewalks on only one side of the internal streets at the time of Final Master Plan approval.
- r. Front walls of townhouse units shall be staggered.
- s. Converting garages to living space shall be prohibited.
- t. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.
- u. Balconies shall be prohibited overlooking adjacent single-family homes which are not buffered by a 50' right of way or a 50' setback.
- v. Architectural renderings of the buildings shall be provided with the Final Master Plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owners of the said property have expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

Attest: \_\_\_\_\_  
Maryanne Morse  
Clerk to the Board of County Commissioners

By: \_\_\_\_\_  
Board of County Commissioners  
Carlton Henley, Chairman

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owners, Dorothea M. Clack, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Dorothea M. Clack

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

STATE OF FLORIDA     )

)

COUNTY OF SEMINOLE   )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Dorothea M. Clack, who is personally known to me or who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## OWNER'S CONSENT AND COVENANT

**COMES NOW**, the owners, Raymond T. Huegel, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Raymond T. Huegel

Witness

Print Name \_\_\_\_\_

STATE OF FLORIDA )

COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Raymond T. Huegel, who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2005.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## OWNER'S CONSENT AND COVENANT

**COMES NOW**, the owners, Sharon C. Huegel, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Sharon C. Huegel

Witness

Print Name \_\_\_\_\_

STATE OF FLORIDA )

COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Sharon C. Huegel, who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2005.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A  
Legal Description**

Lots 1 and 2 ,block "D", Henson's Acres, as recorded in Plat Book 9, page 99 of the Public Records of Seminole County, Florida.

**TOGETHER WITH:**

The North 1325.4 feet of the West 1/2 of the NE 1/4 West of the Longwood-Lake Mary Road (LESS the North 165 feet thereof) and the East 165 feet of the South 1160.4 feet of the North 1325.4 feet of the East 1/2 of the NW 1/4, all in Section 29, Township 20 South, Range 30 East, Seminole County, Florida, LESS the following described property:

Commence at the intersection of the Westerly right-of-way line of Longwood Lake Mary Road with the South line of the North 165.0 feet of the Northeast 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida; thence run S 22°44'17" E along said Westerly right-of-way line 70.32 feet to the P.C. of a curve concave Southeasterly and having a radius of 1507.98 feet; thence run Southwesterly along said curve and right-of-way line through a central angle of 06°04'01" an arc distance of 159.68; thence leaving said right-of-way line, run N 82°01'24" W 200.00 feet; thence run N 14°13'35" E 200.00 feet to said South line of the North 165.0 feet of the NE 1/4; thence run along said South line S 88°22'43" E 230.00 feet to the Point of Beginning.

**AND LESS:**

Commence at the North 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida, and run South 01°10'21" West along the North-South center section line 165.00 feet to the point of beginning, thence run North 89°21'42" West 165.00 feet; thence run South 01°10'21" West 200.00 feet, thence run South 89°21'42" East 220.00 feet, thence run North 01°10'21" East 199.06 feet, thence run North 88°22'43" West 55.00 feet to the point of beginning.

**AND ALSO LESS:**

The South 150 feet of the North 1325.4 feet of the NE 1/4 West of Longwood-Lake Mary Road and the South 150 feet of the North 1325.4 feet of the East 165 feet of the NW 1/4.

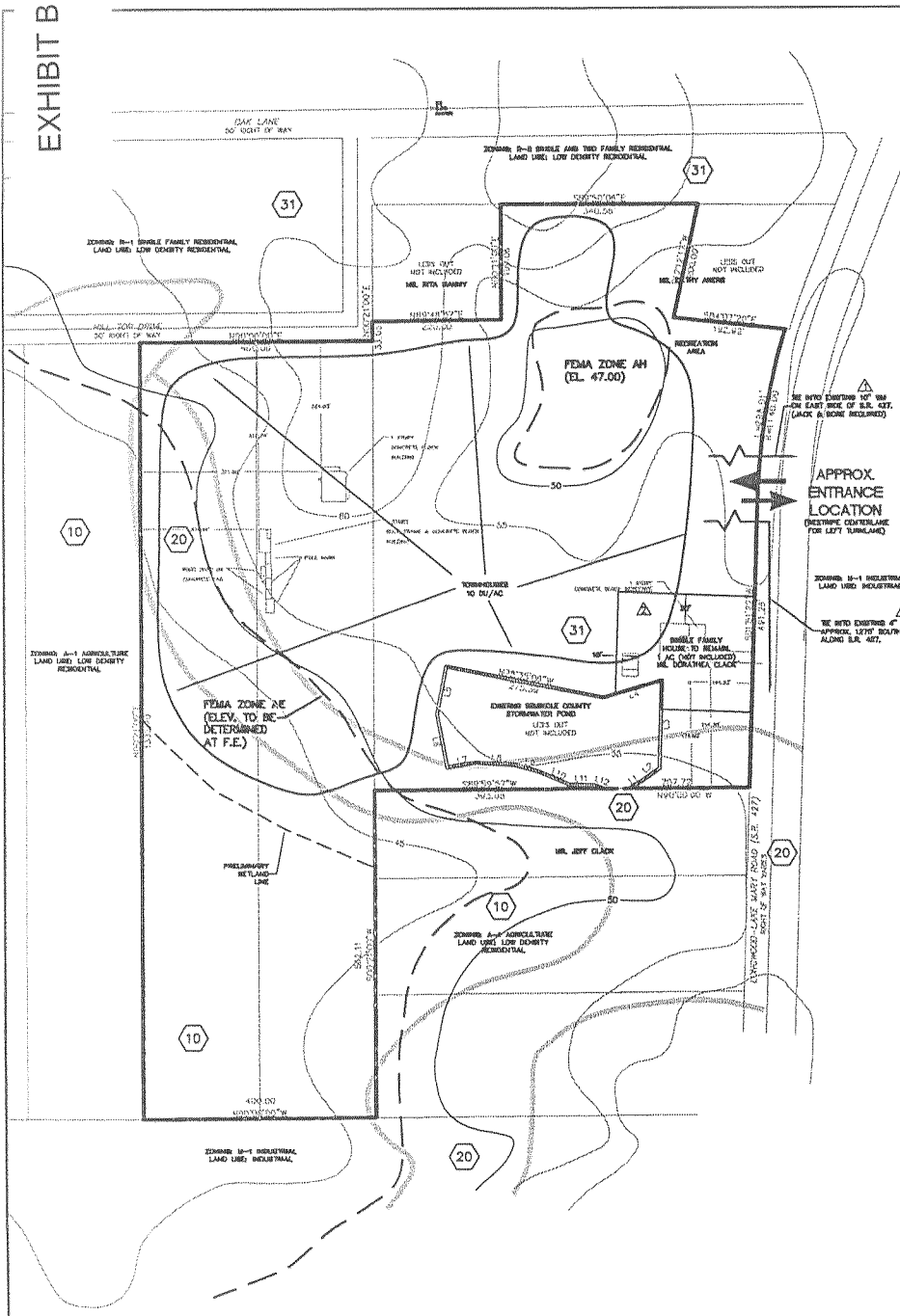
ALSO LESS lands conveyed to Seminole County by deed recorded in Official Records Book 3087, page 1153, Public Records of Seminole County, Florida.

**AND ALSO LESS:**

A portion of land lying in Section 29, Township 20 South, Range 30 East, Seminole County, Florida. Being more particularly described as follows:

BEGIN at the Northeast corner of Seminole County retention pond per Official Records Book 3087, page 1153, Public Records of Seminole County, Florida; thence run South 73°50'23" West along the Northerly line of said Seminole County Retention pond for a distance of 83.08 feet; thence departing said Northwesterly line run North 01°56'23" East for a distance of 173.32 feet; thence run South 88°00'10" East for a distance of 235.57 feet to a point on the Westerly right of way line of Longwood – Lake Mary Road; thence run South 01°51'22" West along said Westerly right of way for a distance of 196.96 feet; thence departing said Westerly right of way line run North 88°08'38" West for a distance of 156.67 feet to a point on the Easterly line of said Seminole County retention pond; thence run North 01°41'45" East along said Easterly line for a distance of 49.91 feet to aforesaid POINT OF BEGINNING.

Contains 1.0 acres more or less.



### LEGAL DESCRIPTION

Lots 1 and 2, Block "D", Henson's Acres, as recorded in Plat Book 10, page 41 of the Public Records of Seminole County, Florida.

TOGETHER WITH:

The North 1325.4 feet of the West 1/2 of the NE 1/4 West of the Longwood-Lake Mary Road (LESS the North 185 feet thereof) and the East 185 feet of the South 1160.4 feet of the North 1325.4 feet of the East 1/2 of the NW 1/4, all in Section 29, Township 20 South, Range 30 East, Seminole County, Florida, LESS the following described property: Commence at the intersection of the Westerly right-of-way line of Longwood Lake Mary Road with the South line of the North 165.0 feet of the Northeast 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida; thence run S 22°44'17" E along said Westerly right-of-way line 70.35 feet to the P.C. of a curve concave Southeast and having a radius of 1507.06 feet; thence run Southeast along said curve and right-of-way line through a central angle of 08°10'01" on arc distance of 156.05; thence leaving said right-of-way line, run N 82°01'24" W 200.00 feet; thence run N 14°13'35" E 200.00 feet to add South line of the North 185.0 feet of the NE 1/4; thence run along said South line S 89°22'43" E 230.00 feet to the Point of Beginning; and LESS commence at the North 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida, and run South 01°10'21" West along the North-South center section line 185.00 feet to the point of beginning, thence run North 89°21'42" West 185.00 feet; thence run South 01°10'21" West 200.00 feet; thence run South 89°21'42" East 230.00 feet; thence run North 01°10'21" East 190.00 feet; thence run North 89°22'43" West 55.00 feet to the point of beginning; AND ALSO LESS the South 150 feet of the North 1325.4 feet of the NE 1/4 West of Longwood-Lake Mary Road and the South 150 feet of the North 1325.4 feet of the East 185 feet of the NW 1/4.

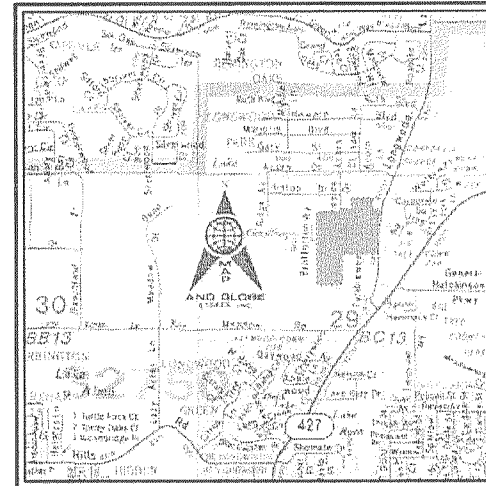
Subject to the right of way taking as recorded in Official Records Book 3087, page 1153, of the Public Records of Seminole County, Florida.

### DEVELOPMENT STANDARDS

1. SITE AREA: 36.0 AC.
2. PROPOSED PROJECT SHALL BE TOWNHOUSE.
3. EXISTING LAND USE: LOW DENSITY RESIDENTIAL.
4. PROPOSED LAND USE: MEDIUM DENSITY RESIDENTIAL.
5. EXISTING ZONING: A-1 AGRICULTURE.
6. PROPOSED ZONING: PD.
7. WETLAND LINE BASED ON AERIAL, INFORMATION, ACTUAL, WETLAND LINE TO BE DETERMINED AT FINAL ENGINEERING.
8. TOPOGRAPHY DETERMINED FROM USGS QUAD: 1840, MAP: SANFORD, FLORIDA.
9. ALL FLOOD INFORMATION DETERMINED FROM FEMA FLOOD MAP OF SEMINOLE COUNTY, PANEL NO. 19117C01 E.
10. WATER & SEWER SERVICE WILL BE PROVIDED BY SEMINOLE COUNTY.
11. STORMWATER SYSTEM TO BE DESIGNED TO MEET SEMINOLE COUNTY AND STATE REQUIREMENTS.
12. SCHOOL AGE CHILDREN:
  - ELEMENTARY (180 DU = 0.15 CHILD/DU) = 27 CHILDREN
  - MIDDLE (180 DU = 0.05 CHILD/DU) = 9 CHILDREN
  - HIGH SCHOOL (180 DU = 0.02 CHILD/DU) = 4 CHILDREN
  - TOTAL: 40 SCHOOL AGE CHILDREN
13. FIRE PROTECTION WILL BE DESIGNED IN ACCORDANCE TO SEMINOLE COUNTY REQUIREMENTS.
14. OPEN SPACE WILL BE PROVIDED PER SEMINOLE COUNTY LDC.
15. A MANDATORY HOA SHALL BE CREATED PROVIDING FOR THE MANAGEMENT OF COMMON AREAS AND FACILITIES.
16. THE FOLLOWING SERVICE REQUIREMENTS WILL BE REQUIRED:
  - TRAFFIC - 180 UNITS @ 0.8 TRIPS/UNIT = 144 TRIPS
  - WATER - 180 UNITS @ 300 GPD/UNIT = 54,000 GPD
  - SEWER - 180 UNITS @ 300 GPD/UNIT = 54,000 GPD
  - SCHOOLS - SEE NOTE 12
17. THE GENERAL PURPOSE OF THE PROPOSED ZONING CLASSIFICATION IS AS FOLLOWS:
  - a) THE GENERAL PURPOSE IS TO DEVELOP AN ATTRACTIVE COMMERCIAL DEVELOPMENT.
  - b) THE PROPOSED LAND USE BY AGRICULTURE AND DENSITY IS SHOWN ON THE "LAND USE TABLE" ON THIS SHEET.
  - c) THE MAXIMUM BUILDING HEIGHT IS 20 FEET.
  - d) IT IS ANTICIPATED THAT THE BUILDINGS WILL BE USED AS FRAME OR BLOCK CONSTRUCTION WITH A FLAT ROOF.
  - e) LANDSCAPING WILL MEET THE SEMINOLE COUNTY LDC. CONCEPTUALLY, A DENSE, HEAVY LANDSCAPED DIVIDER ENTRY IS ANTICIPATED WITH A 6" MANDATORY WALL ALONG S.E. 427 AND THE SINGLE FARM PROPERTIES ADJACENT THE SUBJECT.
  - f) RECREATION AND OPEN SPACE IS ANTICIPATED ON THE "LAND USE TABLE" ON THIS SHEET.
  - g) NO FACILITY COMMENTS ARE ANTICIPATED.
  - h) THE PROPOSED TOWNSHIPS WILL BE DEVELOPED IN ONE TO TWO PHASES WITH A MINIMUM PHASES STARTING AT PHASE 1.
18. NO ENCROACHMENTS INTO THE EXISTING ON-SITE WETLANDS ARE ANTICIPATED AT THIS TIME, IF ANY ENCROACHMENTS DO OCCUR, THEN REMEDIATION SHALL BE PROVIDED FOR THE FUTURE AND SEMINOLE COUNTY REQUIREMENTS.
19. IF REMEDIATION WILL BE PROVIDED ALONG ONE SIDE OF ALL INTERNAL DRIVEWAYS, THESE REMEDIATIONS WILL BE LIMITED TO THE PROPOSED RECREATION ALONG THE PROJECT FRONTAGE, THIS REQUEST IS CONSISTENT WITH OTHER RECENTLY APPROVED TOWNSHIP PROJECTS.
20. PROPOSED RETRACTION:
  - FRONT - 30' FROM E.O.P. OR S.O.B.
  - SIDE - 10' EXCEPT BETWEEN BUILDINGS
  - REAR - 10'
  - PERIMETER RETRACTION - 6" WALL AND/OR LANDSCAPE
  - LANDSCAPING (INCLUDING A 6" FENCE WALL) AND A 20' BUILDING RETRACTION WILL APPLY ALONG ALL THE SINGLE FARM ACRES AND THE S.E. 427 ROAD A LETTER OF AGREEMENT FROM THE THREE ADJACENT SINGLE FARM HOLDINGS AND ATTACHED.
  - A 10' FENCE LANDSCAPING (INCLUDING A 6" FENCE WALL) AND A 30' BUILDING RETRACTION WILL APPLY ALONG THE HILL TOP DRIVE ROW.



### VICINITY MAP



### LAND USE TABLE

TOTAL AREA: 36.0 AC
ESTIMATED DRIVEWAY AREA: 61.5 AC
WETLAND AREA: 0.8 AC
OPEN SPACE REQUIRED: 36.0 AC @ 0.36 = 13.0 AC (SEE NOTE 14)
RECREATION AREA: 18.0 AC (FOR PD, CDDMA/NOT LOT)
ESTIMATED NET DENSITY: (36.0 AC - 1.8 AC - 4.8 AC) @ 10 DU/AC = 498 UNITS
ESTIMATED SCHOOL DENSITY: 180 UNITS/20.0 AC = 9.0 CHILD/DU



TYPICAL INTERNAL ROADWAY SECTION

### SOILS LEGEND

WATER	SOILS LINE
10	Barren, Barren, and Barren soils, degraded
20	Upland and Coastal soils
31	Transverse-Hilltop soils, 0 to 8 percent slopes



**MADDEN**  
CIVIL ENGINEERS  
431 E. Horatio Avenue  
Suite 200  
Maitland, Florida 32751  
(407) 829-8330

Y MASTER PLAN  
FOR  
D PROPERTY

EXHIBIT B

DATE: 09/27/04	DATE: 09/27/04
SCALE: 1" = 100'	SCALE: 1" = 100'
DRAWN BY: CHW	DRAWN BY: CHW
APPROVED BY: CHW	APPROVED BY: CHW

PMP-1

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Hill Top Drive/Longwood-Lake Mary Road PUD Large Scale Land Use Amendment and Rezone Staff Report"

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 to PUD:

**SEE ATTACHED EXHIBIT A**

**Section 3. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 4. EFFECTIVE DATE.**

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #04-23000007 in the official land records of Seminole County.

ENACTED this 10<sup>th</sup> day of May, 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton Henley, Chairman



## EXHIBIT A LEGAL DESCRIPTION

### LEGAL DESCRIPTION:

Lots 1 and 2 ,block "D", Henson's Acres, as recorded in Plat Book 9, page 99 of the Public Records of Seminole County, Florida.

### TOGETHER WITH:

The North 1325.4 feet of the West 1/2 of the NE 1/4 West of the Longwood-Lake Mary Road (LESS the North 165 feet thereof) and the East 165 feet of the South 1160.4 feet of the North 1325.4 feet of the East 1/2 of the NW 1/4, all in Section 29, Township 20 South, Range 30 East, Seminole County, Florida, LESS the following described property:

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### AND LESS:

Commence at the North 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida, and run South 01°10'21" West along the North-South center section line 165.00 feet to the point of beginning, thence run North 89°21'42" West 165.00 feet; thence run South 01°10'21" West 200.00 feet, thence run South 89°21'42" East 220.00 feet, thence run North 01°10'21" East 199.06 feet, thence run North 88°22'43" West 55.00 feet to the point of beginning.

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ALSO LESS lands conveyed to Seminole County by deed recorded in Official Records Book 3087, page 1153, Public Records of Seminole County, Florida.

### AND ALSO LESS:

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Contains 1.0 acres more or less.

## **NOTICE OF AMENDMENT ORDINANCE**

### **Adoption of the 2005 Spring Cycle Large Scale Amendment Ordinance**

Should the Board of County Commissioners (the " Board") move to adopt an amendment ordinance for this hearing item, a single ordinance will be presented to the Board for enactment following the last large scale amendment hearing of this cycle. The ordinance presented to the Board for enactment will include all the previously approved hearing items, if any, for this large scale amendment cycle. The proposed ordinance title is:

**AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF CERTAIN PROPERTIES BY VIRTUE OF LARGE SCALE DEVELOPMENT AMENDMENTS; AMENDING THE TEXT OF THE FUTURE LAND USE AND TRANSPORTATION ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

November 15, 2004

To: Seminole County Zoning Department

Re: C & G Longwood Property

To Whom It May Concern:

Please accept this letter as our approval of C&G Real Estate Group, Inc. change in Future Land Use to Medium Density and zoning to PUD for their Longwood Property (Clack). We also approve of a 25' building setback from our property lines , and a 10' wall and landscape buffer along our property line. In addition we agree with the builders commitment to build a 6' masonry wall within the wall and landscape easement noted along our abutting property lines.

A handwritten signature in cursive script, reading "Jeff M. Clack".

Jeff Clack

1866 Longwood Lake Mary Road

November 15, 2004

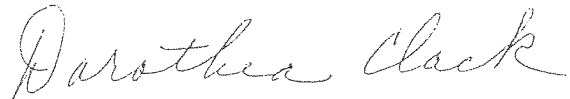
To: Seminole County Zoning Department

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To Whom It May Concern:

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Dorothea Clack  
1876 Longwood Lake Mary Road

A handwritten signature in cursive script that reads "Dorothea Clack". The signature is written in dark ink and is positioned below the printed name and address.

November 15, 2004

To: Seminole County Zoning Department

Re: C & G Longwood Property

To Whom It May Concern:

Please accept this letter as our approval of C&G Real Estate Group, Inc. change in Future Land Use to Medium Density and zoning to PUD for their Longwood Property (Clack). We also approve of a 25' building setback from our property lines , and a 10' wall and landscape buffer along our property line. In addition we agree with the builders commitment to build a 6' masonry wall within the wall and landscape easement noted along our abutting property lines.

Address:

*Cathy Akers 1886 Longwood Lk. Mary Rd  
Longwood, FL 32750*

November 15, 2004

To: Seminole County Zoning Department

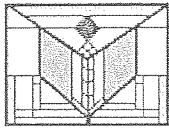
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Address:

*Rita Masny*  
*1699 Hillside LN*  
*Longwood, FL 32750*



Candace Hudson/Seminole  
01/03/2005 04:27 PM

To Tina Deater/Seminole@Seminole, Jeffrey  
Hopper/Seminole@Seminole

cc

bcc

Subject Fw: P&Z Agenda 1.05.05

History: This message has been forwarded.

Candace Lindlaw-Hudson  
Sr. Staff Assistant  
Seminole County Planning Division  
1101 E. First Street, Suite 2201  
Sanford, FL 32771  
Phone: 407.665.7450  
Fax: 407.665.7385

----- Forwarded by Candace Hudson/Seminole on 01/03/2005 04:23 PM -----



Dianne\_Kramer@scps.k12.fl.  
us

01/03/2005 04:15 PM

To chudson@seminolecountyfl.gov,  
mwest@seminolecountyfl.gov  
cc Board-Members\_DL/scps\_esc@mail.scps.k12.fl.us,  
spedicini@orlandosentinel.com

Subject P&Z Agenda 1.05.05

I have reviewed the agenda for January 5, 2005, and have the following comments on behalf of Seminole County Public Schools. I would appreciate their being read into the record at the appropriate time:

On August 10, 2004, the School Board unanimously approved a motion to "oppose land use changes that convert non-residential properties to residential until the School Board, County, and the Cities have an opportunity to discuss addressing future growth and the impact of those changes on the county and the school system." The Board of County Commissioners and the School Board have met in a joint work session, and staff is starting to work on alternative responses to this issue. To date, however, there has been no proposal or resolution. With that in mind, we have concerns regarding the following agenda items:

Item F. NW 46 Planned Unit Development -- land use change from Commercial to Medium Density Residential 450 multi-family units  
The applicant is correct in projecting 102 students from this development...52 elementary (2.5 classrooms); 24 middle school students (1 classroom); and 26 high school students (1 classroom). The project would be served by the following schools:

NW cluster elementaries	Capacity deficit now and after additions are completed
Wilson	934 enrollment 16 portables
14 classroom addition for school year 2005/06	
Bentley	922 enrollment 1 portable 14
classroom addition for school year 2005/06	
Idyllwilde	890 enrollment 9 portables
Wicklow	934 enrollment 11 portables
Middle School	Capacity deficit now; some relief expected with Markham Woods Middle scheduled to open Aug. 2006
Sanford	1408 enrollment 7 portables
High School	Capacity deficit now and through 2013
Seminole	2861 enrollment 18 portables

Additions and renovations in progress

Item G. Cameron Heights PUD -- land use change from Suburban Estates, Industrial, and Commercial to Planned Development; 910 single family homes and 151 townhouses...potential for 244 elementary students (11+ classrooms); 112 middle school students (5 classrooms); 122 high school students (5 classrooms). The project would be served by the following schools:

NE cluster elementaries		Capacity deficit now and in the future
Midway	393 enrollment	8 portables New replacement school currently being designed (additional 350 stations)
Hamilton	733 enrollment	11 portables
Pine Crest	732 enrollment	8 portables
Middle School		Capacity deficit now; some relief expected with Markham Woods Middle scheduled to open Aug. 2006
Sanford	1408 enrollment	7 portables
High School		Capacity deficit now and through 2013
Seminole	2861 enrollment	18 portables

Additions and renovations in progress

This project will have significant impact. If approved, the project should help improve the pedestrian circulation to the new Midway Elementary site by providing off-site sidewalks.

Item H. Hilltop Drive --- land use change from low density to medium density; minimal impact; no comments

Item I. San Pedro Center -- low density residential to Planned Development; potentially 1,999 residential units. This impact cannot be determined without a breakdown in the type and number of units. It could generate the need for an additional elementary school, so a site should be reserved.

Item J. Osprey Lakes -- 47 single family homes; minimal impact; no comment

Dianne L. Kramer, Deputy Supt./Operations  
Seminole County Public Schools  
407.320.0060 direct line  
407.320.0292 FAX

<mailto:dianne\_kramer@scps.k12.fl.us>



**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/  
PLANNING AND ZONING COMMISSION**

**JANUARY 5, 2005**

**Members present:** Richard Harris, Chris Dorworth, Dudley Bates, Walt Eismann, Beth Hattaway, Ben Tucker, and Matt Brown.

**Also present:** Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Earnest McDonald, Principal Coordinator; Rebecca Hammock, Principal Coordinator; Tina Deater, Senior Planner; Jeffrey Hopper, Senior Planner; April Boswell, Senior Planner; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**H. Hill Top Drive / Longwood Lake Mary Road LSLUA and Rezone;**  
**Allan Goldberg / C&G Real Estate Group Inc., applicants;** approximately 22.45 acres; Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive; (Z2004-057 / 05S.FLU03).

Commissioner Henley – District 4  
Tina Deater, Senior Planner

Tina Deater introduced the Hill Top Drive/Longwood-Lake Mary Road Rezone. The applicant proposes a rezone from A-1 to PUD and a Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for a townhouse development on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive. The proposed development program consists of a maximum 10 dwelling units per net buildable acre. The proposed Land Use amendment to MDR includes an additional one acre over what is included in the rezone request from A-1 to PUD. One of the property owners wishes to preserve, for the time being, the A-1 zoning designation on the one acre lot they are going to continue to use for their single-family residence, but want to have the option of rezoning later under the MDR land use category.

According to Exhibit FLU-Appropriate Transitional Land Uses of the Vision 2020 Comprehensive Plan, Medium Density Residential can be an appropriate transitional land use between the Low Density Residential future land use to the north, east, and west, and the Industrial future land use to the south, if appropriate buffers, building heights, and architectural controls are in place. Staff believes that the proposed Medium Density Residential future land is compatible

with the surrounding land uses, if it is subject to the conditions contained within the development order in the staff report.

The applicant has submitted letters from the adjacent single-family homeowners to the north, south and east of the proposed development, stating that they approve of the proposed 10-foot landscape buffer with a 6-foot masonry wall and 25-foot building setback adjacent to their properties. Therefore staff is recommending as a condition of approval, that 10-foot landscape buffer with a 6-foot masonry wall and 25-foot building setback apply adjacent to those four properties and also adjacent to the Low Density Residential property to the east that is being used as a church. The west side of the proposed development is adjacent to property with Low Density Residential future land use also.

Staff has not received any approval letters from this property owner, and therefore, staff is recommending as a condition of approval that along the west property line adjacent to the property with Low Density Residential future land use, a minimum 15-foot landscape buffer with a 6-foot masonry wall and 50-foot building setback apply. The building setback may be reduced to 40-feet if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.

The subject property is located within the Seminole County water and sewer service areas. Water and sewer services are available to the site, however the proposed land use amendment would increase the estimated potable water demand for the subject property. Since this increase was not factored into the permitted capacity for the water system serving the site, staff is recommending that a mitigation plan to offset the difference in potable water usage be created and brought back before the Board of County Commissioners at the adoption hearing.

Ms. Deater said that staff recommends approval and Transmittal of the requested Large Scale Land Use Amendment from Low Density Residential to Medium Density Residential and rezone from A-1 to PUD, and approval of the attached Preliminary Master Plan subject to the attached Development Order and the condition that a potable water mitigation plan shall be presented to the Board of County Commissioners at the adoption hearing.

School Board comments stated that this project will have nominal impact on schools.

Commissioner Bates asked what good does the increase in density do?

Matt West said that we don't analyze to say "Is this better?" We say does it make it worse. Our Comprehensive Plan is not set up that way.

Charles Madden stated that on Item J he would like to add the comment "except where wetlands or flood plain." This project is adjacent to a church. He would

like to omit the wall next to the wetland. He would also add a comma and "adjacent to wetlands or flood plain."

Suzanne Lang of Lake Lane in Longwood Park stated that this area is on wells that have been drying up. She is opposed to the application.

Jeff Hawkins of Acorn Drive was concerned about wildlife and traffic in the area, as well as building height.

Mr. Madden stated that there is a 10-foot water mane on the other side of the road. He will run a 1,200-foot sewer force mane. The road is at service level "D" now. These will be 2 story houses with fee simple ownership. There will be a 10-foot buffer and a 6-foot wall on common property lines. He will put in sidewalks.

**Commissioner Hattaway made a motion to recommend approval with the proposed changes to items "J" and "I."**

**Commissioner Dorworth seconded the motion.**

**The vote was 7 – 0 in favor of the motion.**

**BOARD OF COUNTY COMMISSIONERS****SEMINOLE COUNTY, FLORIDA****FEBRUARY 8, 2005**

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held at 9:30 a.m., on Tuesday, February 8, 2005, in the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

## Present:

Chairman Carlton Henley (District 4)  
Vice Chairman Brenda Carey (District 5)  
Commissioner Bob Dallari (District 1)  
Commissioner Randy Morris (District 2) (Late)  
Commissioner Dick Van Der Weide (District 3)  
County Manager Kevin Grace  
County Attorney Robert McMillan  
Deputy Clerk Sandy McCann

LARGE SCALE AMENDMENT/HILLTOP  
DRIVE/Allan Goldberg

Proof of publication, as shown on page \_\_\_\_\_, calling for a public hearing to consider request for a Large Scale Land Use Amendment for Hilltop Drive/Longwood-Lake Mary Road from Low Density Residential (LDR) to Medium Density Residential (MDR), on approximately 700 ft. south of Acorn Drive, Allan Goldberg, received and filed.

Tina Deater, Planner, addressed the Board to present the request. She stated the proposed development will consist of a maximum of 10 dwelling units per net buildable acre. One property owner wishes to preserve the A-1 zoning designation on the one acre lot they are going to continue to use for their single-family residence, but want to have the option of rezoning later under the MDR land use category. Staff believes the proposed MDR future land use is compatible with surrounding land uses if it is subject to the conditions of the development order. The applicant has submitted letters from adjacent single-family homeowners to the north, south and east stating they approve the proposed 10 ft. landscape buffer with a 6 ft. masonry wall and 25 ft. building setback adjacent to their properties. Staff is recommending, as a condition of approval, that the 10 ft. buffer, 6 ft. wall and 25 ft.

setback apply along adjacent to those properties and adjacent to the LDR property to the east. The west side of the proposed development is adjacent to property with LDR future land use. Staff has not received any statement of approval from this property owner, therefore, they are recommending as a condition of approval, that along the west property line a minimum 15 ft. landscape buffer with a 6 ft. masonry wall and a 50 ft. building setback shall apply. The building setback may be reduced to 40 ft. if the buildings are positioned so that only a side, not the front or rear, of the building is facing LDR property. Also the wall shall not be required in the wetlands area. Staff has evaluated the potable water mitigation options and recommends that any future mitigation plan be incorporated into the utility agreements that will be negotiated with Environmental Services at a later date. The P&Z Commission recommended approval to transmit, subject to the conditions outlined in the development order. She added that staff recommends transmittal of the request.

Upon inquiry by Commissioner Carey, Ms. Deater advised there will be PVC fence adjacent to the properties along Hilltop. She stated the applicant will have to do a pedestrian circulation and they will have to put a sidewalk

along the frontage of their property along Longwood/Lake Mary Road. Discussion ensued relative to sidewalks.

Commissioner Carey stated she doesn't understand having someone build sidewalks when they will never be connected. The solution may be to have them make a contribution to the sidewalk fund if it still exists.

Upon inquiry by Commissioner Carey, Ms. Deater advised the applicant is not required to connect to reclaim. It is not within the 10 year plan.

Upon inquiry by Commissioner Dallari, Ms. Deater advised the County does not have architectural standards, but the developer will be providing architectural drawings.

At the request of Commissioner Morris, Ms. Deater indicated on the aerial map where the wall will be located. She stated the 6 ft. wall will be along the north property line and then the PCV fence will be adjacent to Hilltop Drive. She explained why staff recommends a PCV fence verses a wall. Discussion ensued with Ms. Deater and Commissioner Morris relative to the 6 ft. masonry wall and PCV fencing.

Discussion ensued between the Board, Matt West, Planning Manager, and Deputy County Manager Don Fisher relative to installation of sidewalks. Mr. West advised

his understanding is that sidewalks are programmed for the entire length of Longwood/Lake Mary Road.

Upon inquiry by Commissioner Carey relative to whether the one-acre home site that staff referred to is included in the transmittal, Matt West, Planning Manager, addressed the Board to advise the bottom line is if they keep MDR land use and the A-1 zoning, their taxes probably will not go up. He stated this is the choice of the applicant and staff is not forcing anyone to rezone their property.

Allan Goldberg, applicant, addressed the Board to state the owner of that property was concerned that she is retaining her acre and her real estate taxes would increase if it was rezoned to PUD. The property owner wants her property to be transmitted with the land use change so that she has the option in the future of adding to this PUD.

Commissioner Morris stated she is trying to have her cake and eat it too and not have to pay more taxes.

Mr. Goldberg stated this is an elderly lady who is concerned about her real estate taxes.

Commissioner Morris stated they are setting a precedence that doesn't make much sense.

Charlie Madden, Madden Engineering, addressed the Board to clarify that they do not want to install a wall along the western boundary in the wetland area. The



residents had concerns that they did not have access onto Hilltop Drive, but they did not have a problem with the PCV fence.

Upon inquiry by Commissioner Morris, Mr. Madden advised he would like to have the language in the development order that they are not going to place a wall along the wetland area. He stated it is cheaper to put a sidewalk in along the front than paying into the sidewalk fund. He said he will be glad to coordinate with staff to make sure their requirements are to place the sidewalk to the back of the right-of-way. He stated he will have to look at the drainage and if it needs to go, he will do that. He add that will be addressed at the final master plan.

No one spoke in support or in opposition.

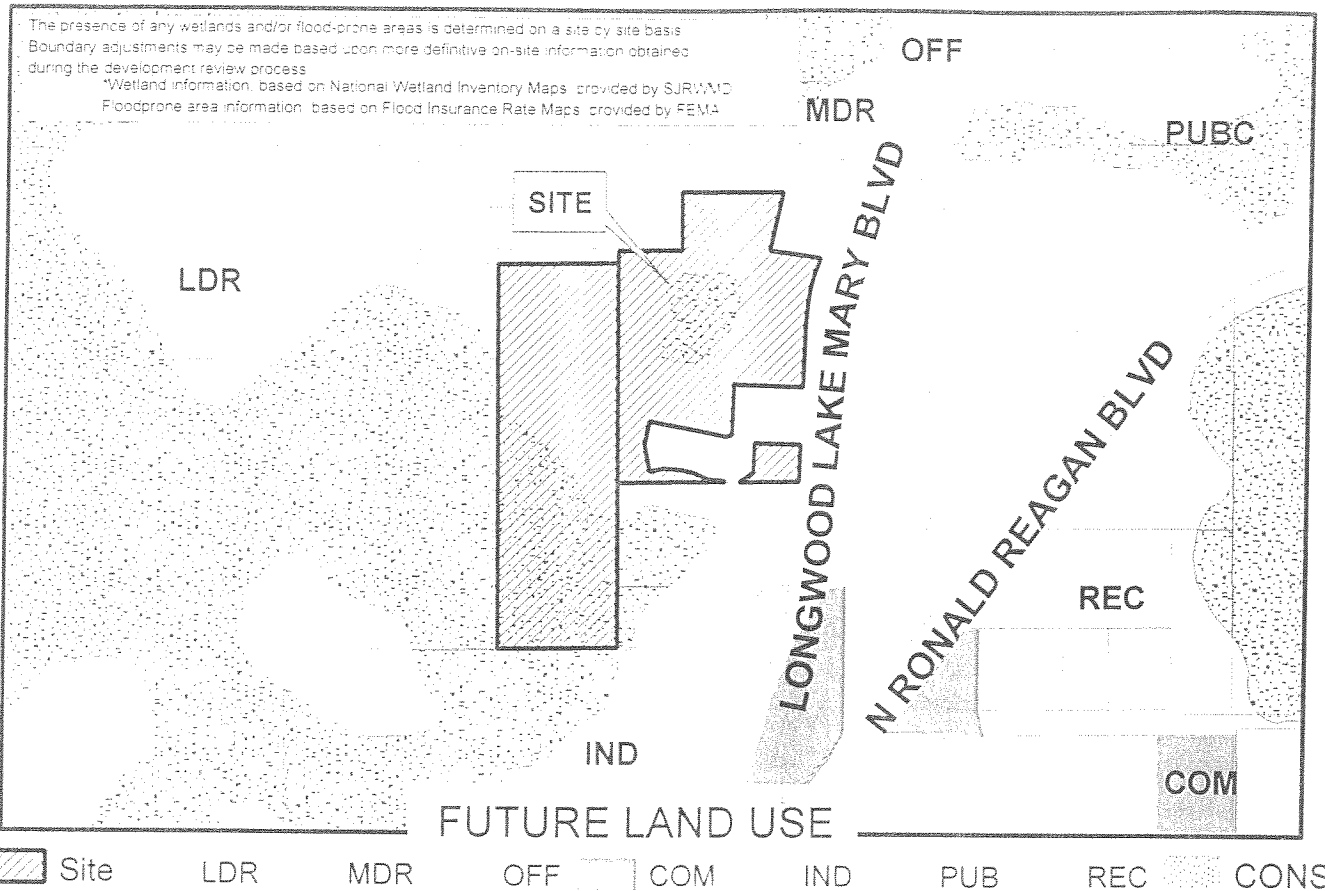
District Commissioner Henley recommended approval to transmit with staff conditions.

Upon inquiry by Commissioner Morris, Mr. McMillan advised the land use for the isolated square piece of property is medium density residential and it will have to come back to the Board for approval of a commercial use.

**Motion** by Commissioner Dallari, seconded by Commissioner Carey to transmit to the DCA a Large Scale Land Use Amendment for Hilltop Drive/Longwood-Lake Mary

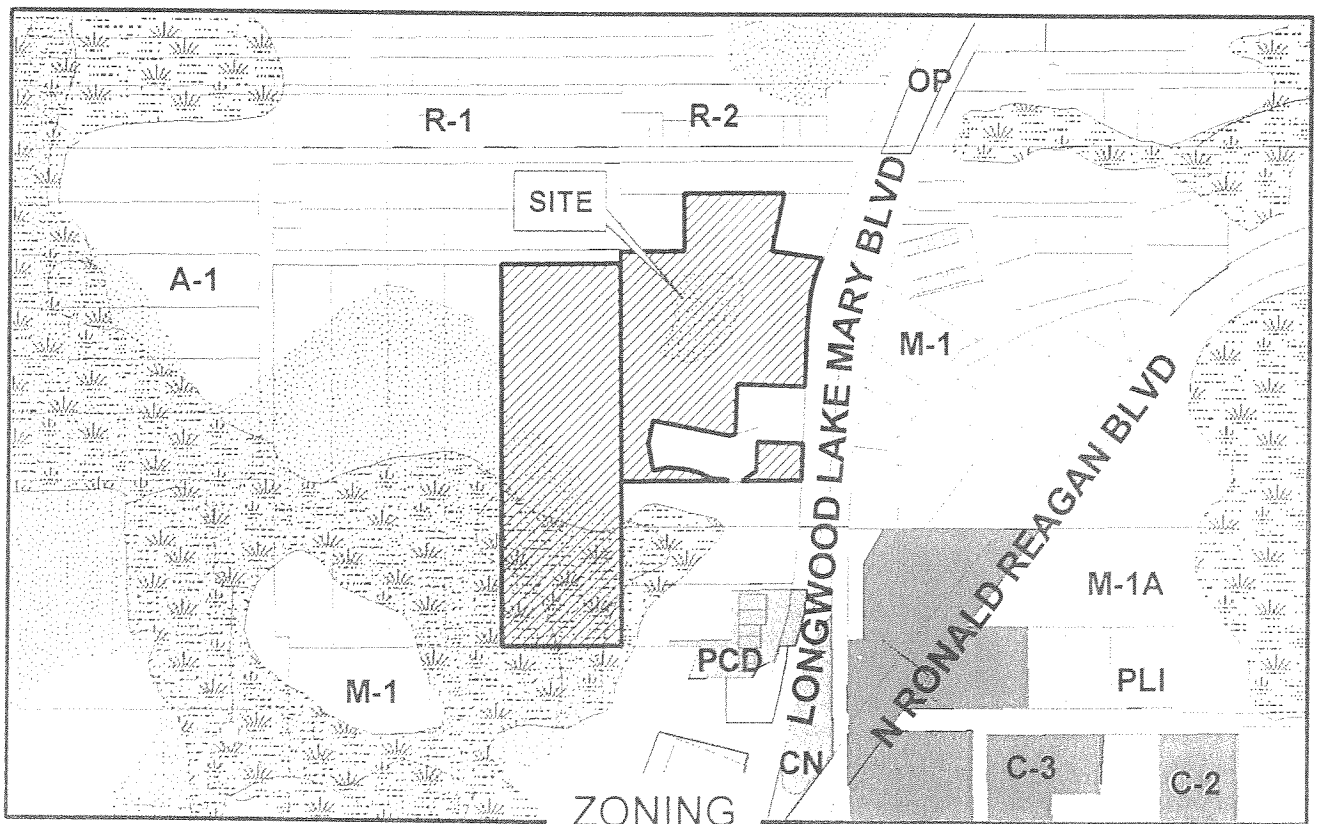
Road from Low Density Residential (LDR) to Medium Density Residential (MDR), on approximately 700 ft. south of Acorn Drive, as described in the proof of publication, Allan Goldberg, with staff recommendations and address the wall issue on the north side by removing the PCV element and making it a masonry wall.

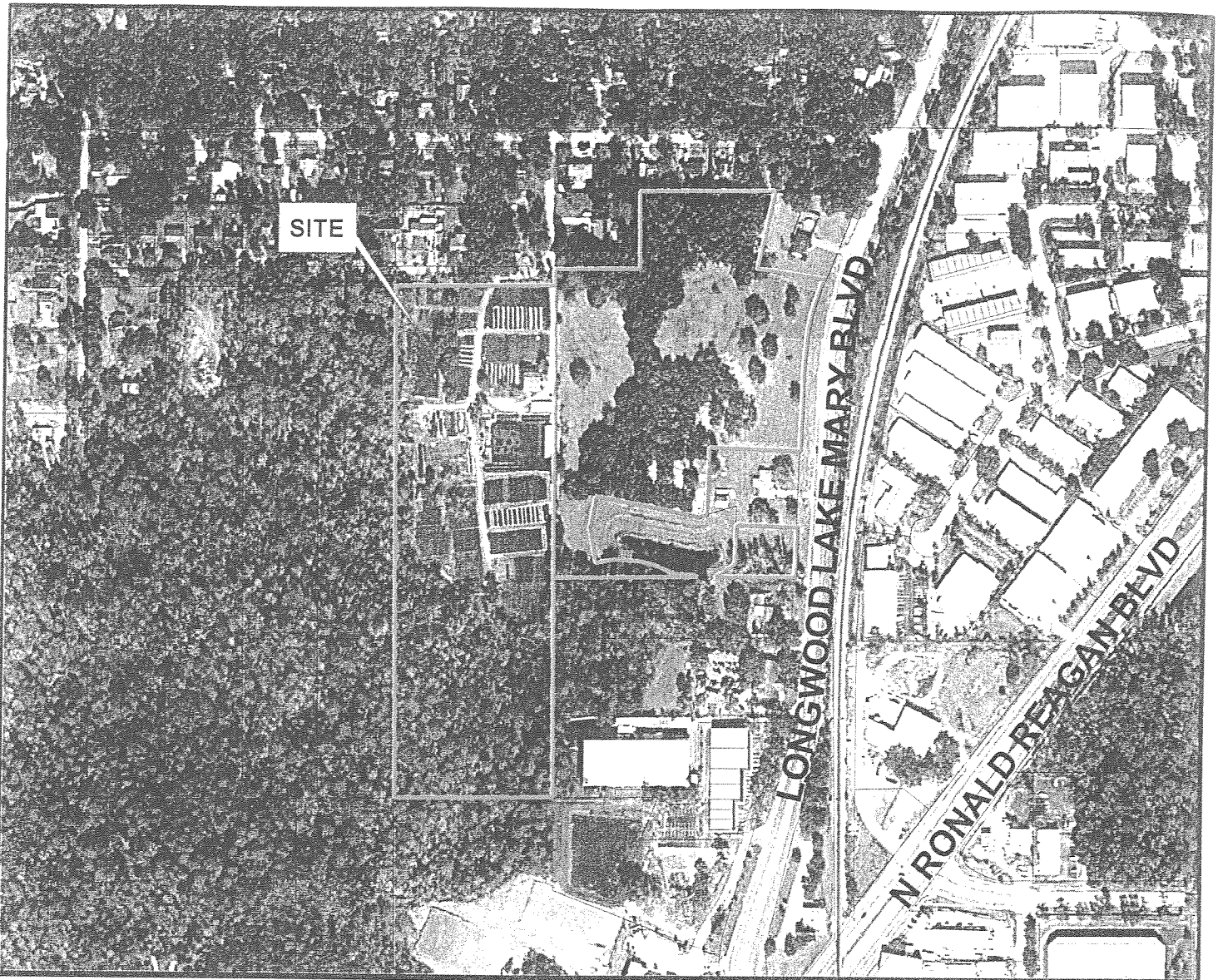
Districts 1, 2, 3, 4 and 5 voted AYE.



Applicant: Allan Goldberg / C&G Real Estate Group  
Physical STR: part of 20-20-30 & 29-20-30  
Gross Acres: +/- 20.45 BCC District: 4  
Existing Use: Single Family and Agricultural  
Special Notes: None

	Amend/ Rezone#	From	To
FLU	05S.FLU03	--	--
Zoning	Z2004-057	A-1	PUD

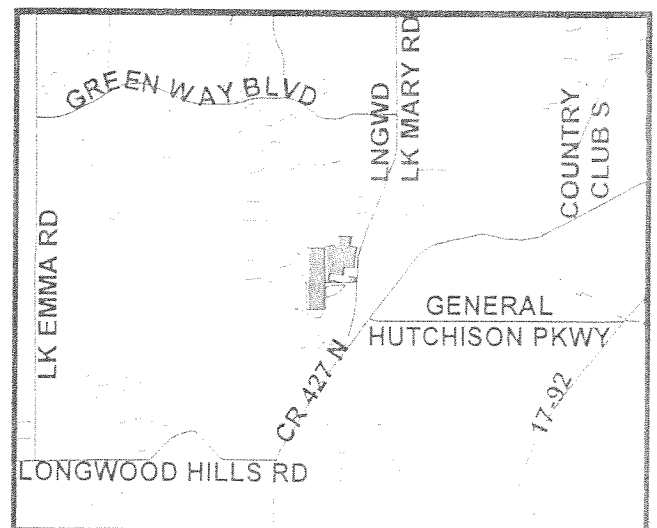


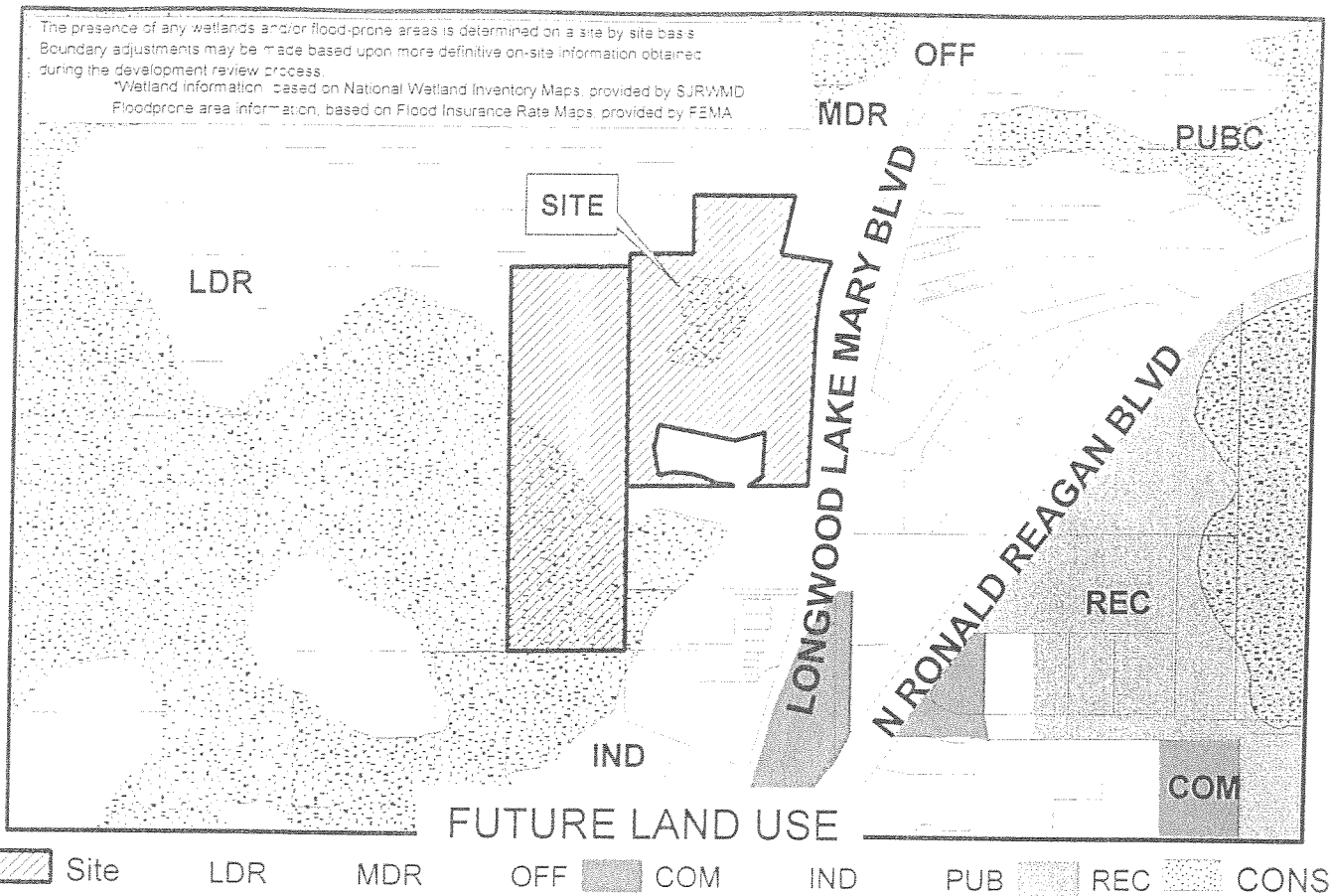


Rezone No: Z2004-057  
From: A-1 To: PUD

Parcel  
Subject Property

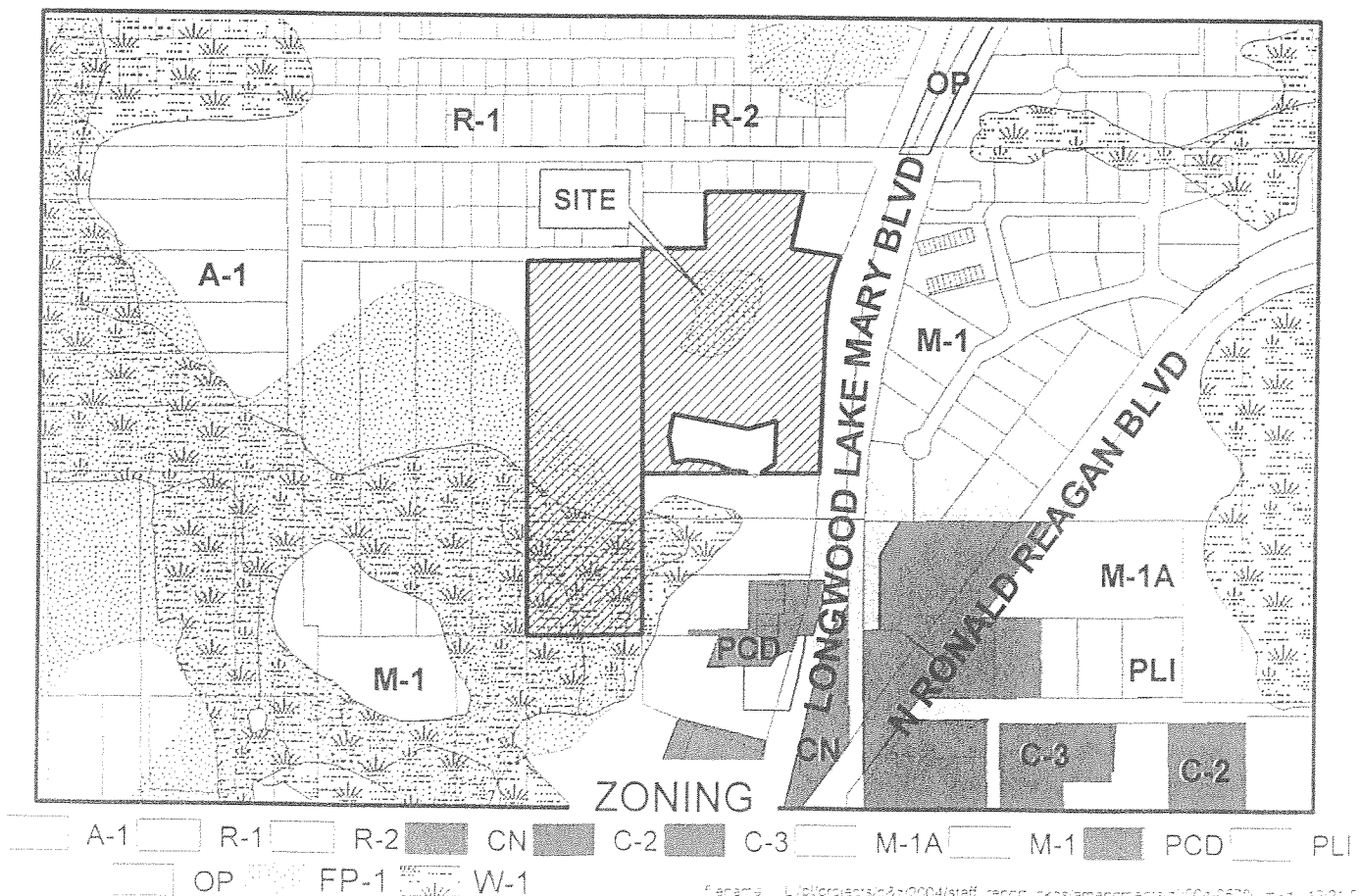
January 2004 Color Aerials



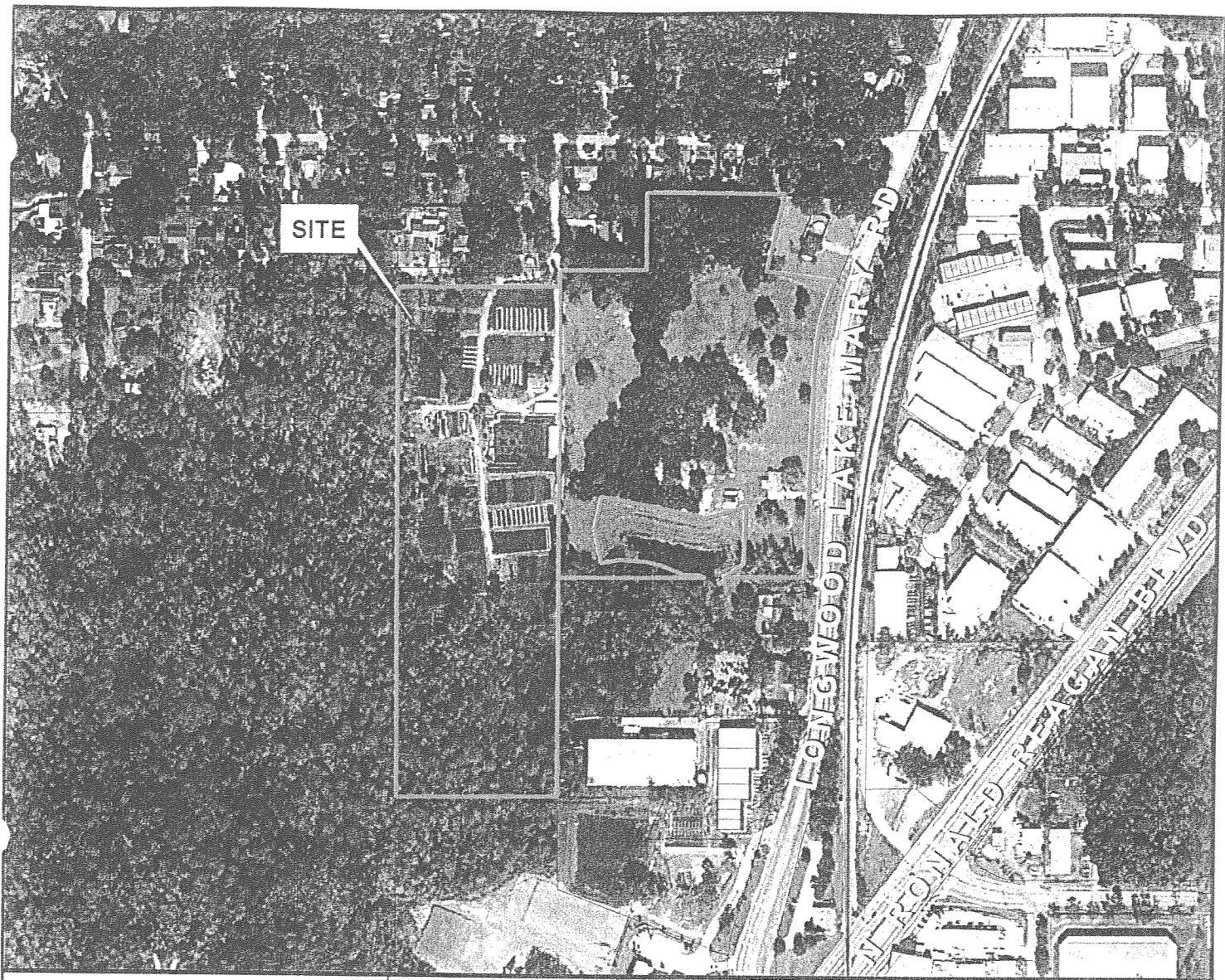


Applicant: Allan Goldberg / C&G Real Estate Group  
 Physical STR: part of 20-20-30 & 29-20-30  
 Gross Acres: +/- 21.45 BCC District: 4  
 Existing Use: Single Family and Agricultural  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	05S.FLU03	LDR	MDR
Zoning	Z2004-057	--	--







Amendment No: 05S.FLU03  
From: LDR To: MDR

Parcel  
Subject Property



January 2004 Color Aerials

